

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	Schilling et al.	Examiner:	Joshua L. Pritchett
Serial No.:	10/562,330	Group Art Unit:	2872
Confirmation No:	5691	Docket:	1093-145 PCT/US/RCE
Filed:	December 23, 2005	Dated:	March 15, 2010
For:	FORKLIFT TRUCK		

OFFICE OF PETITIONS  
U.S. Patent and Trademark Office  
600 Dulany Street  
Alexandria, VA 22313

*VIA FACSIMILE 571-273-0025*

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**MAR 15 2010**

OFFICE OF PETITIONS

**Petition to Withdraw from Issue under 37 CFR 1.313(c)**

Sir:

The Issue Fee was paid on January 26, 2010 and a patent is scheduled to issue on the above-captioned application on **March 16, 2010**.

Applicant respectfully requests the withdrawal of the above-captioned application from issue under 37 C.F.R. 1.313(c)(2) for the consideration of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, which has been filed concurrently herewith. Applicant has included the requisite fees under 37 C.F.R. §1.17 (e), (h) for the RCE and instant Petition, respectively.

As a submission required under 37 C.F.R. § 1.114, Applicant has filed concurrently herewith an Information Disclosure Statement (IDS) that sets forth material documents which were identified in an Office Action dated December 15, 2009 in related Japanese Application No. 2006-515945. Applicant attempted to first submit this same IDS January 26, 2010 along with the issue fee payment and IDS fee, but inadvertently omitted the statement under 37 CFR 1.97(e)(1). Upon receipt of a communication from the Primary Examiner in this matter that the IDS would not be considered without the omitted statement, the IDS was resubmitted with the statement. Nonetheless, the Examiner once again refused to consider the IDS as it was at that

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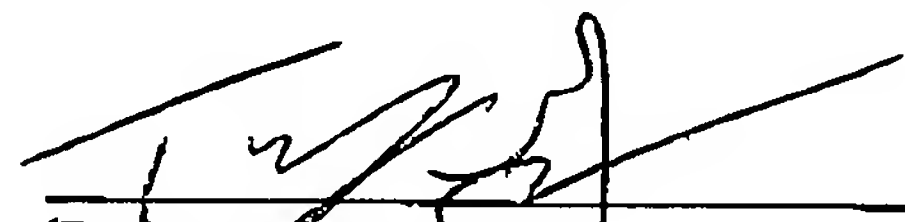
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point considered untimely. Accordingly, Applicant hereby requests the patent be withdrawn from issue, so the IDS can be considered with the RCE filed herewith.

Applicant respectfully requests that the instant Petition be granted before the issue date to provide the Office with an opportunity to consider the materiality of the documents submitted in the IDS (a copy of which is submitted herewith). As the requisite IDS fee under 37 C.F.R. § 1.17(p) has already been paid, this submission is only accompanied by the Petition Fee under 37 C.F.R. § 1.17(h) and the fee for an RCE under 37 C.F.R. § 1.17(e). Also, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 08-2461.

Respectfully submitted,

  
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